

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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OFISI, et al.,	:	
	:	
Plaintiffs,	:	
	:	20 Civ. 6918 (LAP)
v.	:	
	:	
CLEARSTREAM BANKING S.A., et al.	:	<u>Order</u>
	:	
Defendants.	:	
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LORETTA A. PRESKA, Senior United States District Judge:

The Court is in receipt of UBAE's March 27 letter (dkt. no. 36). There, Mr. Zefutie states: "Although UBAE disagrees with the Court's decision, Plaintiffs and UBAE agree that the arguments in the motion to dismiss in the Ofisi case are substantially the same as those decided in the Peterson II Opinion and Order of March 22, 2023. Therefore, in the interests of preserving this Court's resources and moving this case forward, Plaintiffs and UBAE agree that the issues raised in UBAE's motion to dismiss are ripe for adjudication."

The Court is confused by this response. If, as counsel posits, "the arguments in the motion to dismiss in the Ofisi case are substantially the same as those in the Peterson II Opinion and Order of March 22, 2023," one would think that withdrawal of the Ofisi motion to dismiss would preserve the Court's resources. The Court would also entertain a request to stay the Ofisi case pending appeal in Peterson II, the result of

which may clarify the jurisdictional analysis and whether there is further relief for Plaintiffs to pursue from UBAE. Instead, Plaintiffs and UBAE propose that the motion in Ofisi be decided, hardly a conservation of Court resources. Thus, the Court requests that Plaintiffs and UBAE clarify their position by letter by March 29, 2023.

SO ORDERED.

Dated: New York, New York  
March 28, 2023

A handwritten signature in black ink, reading "Loretta A. Preska". The signature is written in a cursive, flowing style.

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LORETTA A. PRESKA  
Senior United States District Judge